

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2276

Introduced by Assembly Member Bocanegra

February 21, 2014

An act to amend Sections 48645.5, 49069.5, and 51225.2 of, to add Section 48647 to, and to add and repeal Section 48648 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2276, as amended, Bocanegra. Pupils: transfers from juvenile court schools.

Existing law affords various protections for the enrollment of pupils in foster care in schools, including, among others, expedited enrollment and speedy transfer of academic records when a pupil in foster care is transferring schools, and establishes procedures for the acceptance of coursework for pupils in foster care, including coursework completed in a juvenile court school. Existing law defines “pupil in foster care” for purposes of those provisions to include, among others, a person who has violated the law and has been adjudged a ward of the court, as specified. Existing law also provides for the administration and operation of juvenile court schools by county offices of education, and sets forth separate protections specifically applicable to pupils who have had contact with the juvenile justice system, including prohibiting a pupil from being denied enrollment or readmission to a public school because he or she has had contact with the juvenile justice system.

This bill would ~~revise~~ *further clarify that* the definition of “pupil in foster care” referenced above ~~to specifically include~~ *includes* pupils who have been enrolled in juvenile court schools. The bill would specify that a pupil who has been enrolled in a juvenile court school, upon release, shall not be denied immediate enrollment in a ~~regular~~ public school for specified reasons, including, but not limited to, a delay in the transfer of ~~academic~~ *educational* records. The bill would require a county office of education and county probation department ~~to meet to~~ develop a transition planning policy *that includes collaboration with relevant local educational agencies* relating to pupils who are being released from juvenile court schools. By imposing additional requirements on local governmental entities *with respect to the collaboration between a county office of education, the county probation department, and other relevant local educational agencies*, the bill would impose a state-mandated local program. The bill would specify that local educational agencies are strongly encouraged to enter into memoranda of understanding and create joint policies, as specified, regarding the immediate enrollment of pupils transferring from juvenile court schools. The bill would require the Superintendent of Public Instruction and the Board of State and Community Corrections to convene a statewide group to develop a model and study relating to the transfer of ~~academic~~ *educational* records and enrollment of pupils who are being transferred from juvenile court schools, and would require the statewide group to report its findings and recommendations to the Legislature *and appropriate policy committees* on or before January 1, 2016. The bill would revise legislative findings and declarations regarding the transfer of pupils in foster care who have had contact with the juvenile justice system, and would make other clarifying and conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 48645.5 of the Education Code is amended to read:

48645.5. (a) Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.

(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:

- (1) Arrest.
- (2) Adjudication by a juvenile court.
- (3) Formal or informal supervision by a probation officer.
- (4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.

(c) A pupil who has been enrolled in a juvenile court school, upon release, shall not be denied immediate enrollment in a ~~regular~~ public school for any of the reasons specified in subparagraph (B) of paragraph (8) of subdivision (e) of Section 48853.5, including, but not limited to, a delay in the transfer of ~~academic~~ educational records.

SEC. 2. Section 48647 is added to the Education Code, to read:

48647. (a) Local educational agencies are strongly encouraged to enter into memoranda of understanding and create joint policies, systems, including data sharing systems, transition centers, and other joint structures that will allow for the immediate transfer of educational records, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of pupils transferring from juvenile court schools.

(b) As part of their existing responsibilities for coordinating education and services for youth in the juvenile justice system, the county office of education and county probation department shall ~~convene a meeting to~~ develop a transition planning policy *that*

1 *includes collaboration with relevant local educational agencies*
2 to improve communication regarding dates of release and the
3 educational needs for pupils who have had contact with the juvenile
4 justice system, to coordinate immediate school placement, and to
5 ensure that probation officers in the community have the
6 information they need to support the return of pupils who are being
7 transferred from juvenile court schools to ~~regular~~ public schools
8 in their communities.

9 SEC. 3. Section 48648 is added to the Education Code, to read:

10 48648. (a) The Superintendent and the Board of State and
11 Community Corrections shall convene a statewide group with
12 stakeholders from the community, advocacy organizations, and
13 education and probation department leaders to develop a model
14 and study existing successful county programs for the immediate
15 transfer of educational records, uniform systems for calculating
16 and awarding credits, transition planning, and immediate
17 enrollment of pupils who are being transferred from juvenile court
18 schools.

19 (b) (1) On or before January 1, 2016, the statewide group shall
20 report its findings and provide recommendations for state action
21 to the Legislature and appropriate policy committees.

22 (2) The report shall be submitted in compliance with Section
23 9795 of the Government Code.

24 (c) Pursuant to Section 10231.5 of the Government Code, this
25 section is repealed on January 1, 2020.

26 SEC. 4. Section 49069.5 of the Education Code is amended to
27 read:

28 49069.5. (a) The Legislature finds and declares all of the
29 following:

30 (1) The mobility of pupils in foster care often disrupts their
31 educational experience.

32 (2) Efficient transfer procedures and transfer of pupil records
33 is a critical factor in the swift placement of foster children in
34 educational settings.

35 (3) Pupils who have had contact with the juvenile justice system
36 are often denied credit or partial credit earned during enrollment
37 in juvenile court schools. Delays in school enrollment and loss of
38 earned credit can result in improper class or school placement,
39 denial of special education services, and school ~~drop-out~~ dropout.

1 (b) The proper and timely transfer between schools of pupils in
2 foster care is the responsibility of both the local educational agency,
3 *including the county office of education for pupils in foster care*
4 *who are enrolled in juvenile court schools*, and the county placing
5 agency ~~or, for juvenile court school pupils, the county board of~~
6 ~~education that provides for the administration and operation of a~~
7 ~~juvenile court school pursuant to Section 48645.2, which includes~~
8 *the county probation department.*

9 (c) As soon as the county placing agency or county board of
10 education becomes aware of the need to transfer a pupil in foster
11 care out of his or her current school, the county placing agency or
12 county board of education shall contact the appropriate person at
13 the local educational agency of the pupil. The county placing
14 agency ~~or county board of education, which includes the county~~
15 *probation department*, shall notify the local educational agency
16 of the date that the pupil will be leaving the school and request
17 that the pupil be transferred out.

18 (d) Upon receiving a transfer request from a county placing
19 agency ~~or county board of education, which includes the county~~
20 *probation department, or a local educational agency, including*
21 *the county office of education for pupils in foster care who are*
22 *enrolled in juvenile court schools*, the receiving local educational
23 agency shall, within two business days, transfer the pupil out of
24 school and deliver the educational information and records of the
25 pupil to the next educational placement.

26 (e) As part of the transfer process described under subdivisions
27 (c) and (d), the local educational agency shall compile the complete
28 educational record of the ~~pupil~~ *pupil*, including a determination
29 of seat time, full or partial credits earned, current classes and
30 grades, immunization and other records, and, if applicable, a copy
31 of the pupil's plan adopted pursuant to Section 504 of the federal
32 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 ~~et seq.~~) or
33 individualized education program adopted pursuant to the federal
34 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
35 et seq.).

36 (f) The local educational agency shall assign the duties listed
37 in this section to a person competent to handle the transfer
38 procedure and *who is* aware of the specific educational
39 recordkeeping needs of homeless, foster, and other transient
40 children who transfer between schools.

1 (g) The local educational agency shall ensure ~~that~~ *that*, if the
2 pupil in foster care is absent from school due to a decision to
3 change the placement of a pupil made by a court or placing agency,
4 the grades and credits of the pupil will be calculated as of the date
5 the pupil left ~~school~~, *school* and no lowering of grades will occur
6 as a result of the absence of the pupil under these circumstances.

7 (h) The local educational agency shall ensure ~~that~~ *that*, if the
8 pupil in foster care is absent from school due to a verified court
9 appearance or related court ordered activity, no lowering of his or
10 her grades will occur as a result of the absence of the pupil under
11 these circumstances.

12 (i) For purposes of this section, “pupil in foster care” means
13 ~~any~~ *a* child who has been removed from his or her home pursuant
14 to Section 309 of the Welfare and Institutions Code, is the subject
15 of a petition filed under Section 300 or 602 of the Welfare and
16 Institutions Code, or has been removed from his or her home and
17 is the subject of a petition filed under Section 300 or 602 of the
18 Welfare and Institutions Code, and includes, but is not limited to,
19 a child who has been enrolled in a juvenile court school.

20 SEC. 5. Section 51225.2 of the Education Code is amended to
21 read:

22 51225.2. (a) For purposes of this section, “pupil in foster care”
23 means ~~any~~ *a* child who has been removed from his or her home
24 pursuant to Section 309 of the Welfare and Institutions Code, is
25 the subject of a petition filed under Section 300 or 602 of the
26 Welfare and Institutions Code, or has been removed from his or
27 her home and is the subject of a petition filed under Section 300
28 or 602 of the Welfare and Institutions Code, and includes, but is
29 not limited to, a child who has been enrolled in a juvenile court
30 school.

31 (b) Notwithstanding any other law, a school district and county
32 office of education shall accept coursework satisfactorily completed
33 by a pupil in foster care while attending another public school, a
34 juvenile court school, or a nonpublic, nonsectarian school or agency
35 even if the pupil did not complete the entire course and shall issue
36 that pupil full or partial credit for the coursework completed.

37 (c) The credits accepted pursuant to subdivision (b) shall be
38 applied to the same or equivalent course, if applicable, as the
39 coursework completed in the prior public school, juvenile court
40 school, or nonpublic, nonsectarian school or agency.

1 (d) A school district or county office of education shall not
2 require a pupil in foster care to retake a course if the pupil has
3 satisfactorily completed the entire course in a public school, a
4 juvenile court school, or a nonpublic, nonsectarian school or
5 agency. If the pupil did not complete the entire course, the school
6 district or county office of education shall not require the pupil to
7 retake the portion of the course the pupil completed unless the
8 school district or county office of education, in consultation with
9 the holder of educational rights for the pupil, finds that the pupil
10 is reasonably able to complete the requirements in time to graduate
11 from high school. When partial credit is awarded in a particular
12 course, the pupil in foster care shall be enrolled in the same or
13 equivalent course, if applicable, so that the pupil may continue
14 and complete the entire course.

15 (e) A pupil in foster care shall not be prevented from retaking
16 or taking a course to meet the eligibility requirements for admission
17 to the California State University or the University of California.

18 SEC. 6. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.